### MINUTES OF COUNCIL REGULAR MEETING - DECEMBER 16, 2014

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, DECEMBER 16, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

### THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor Corey Rushton, Councilmember At-Large Lars Nordfelt, Councilmember At-Large Tom Huynh, Councilmember District 1 Steve Buhler, Councilmember District 2 Steve Vincent, Councilmember District 4

Paul Isaac, Acting City Manager Sheri McKendrick, City Recorder

ABSENT: Karen Lang, Councilmember District 3 (Excused)

### STAFF PRESENT:

Eric Bunderson, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Layne Morris, CPD Director
John Evans, Fire Chief
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Dan Johnson, Acting Public Works Director
Steve Pastorik, Acting CED Director
Jake Arslanian, Public Works Department
Mike Powell, Police Department

#### 16835 **OPENING CEREMONY**

The Opening Ceremony was conducted by Lars Nordfelt who led the Pledge of Allegiance to the Flag.

### 16836 APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 2, 2014

The Council read and considered Minutes of the Regular Meeting held December 2, 2014. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held December 2, 2014, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

### 16837 **COMMENT PERIOD**

Upon inquiry by Mayor Bigelow there was no one who desired to address the City Council during the comment period.

## 16838 PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING ADOPTION OF AN IMPACT FEE FACILITIES PLAN, IMPACT FEE ANALYSIS AND AN ORDINANCE AMENDING IMPACT FEES

Mayor Bigelow informed a public hearing had been advertised in order for the City Council to hear and consider public comments regarding adoption of an impact fee facilities plan, impact fee analysis, and an ordinance amending impact fees.

Mayor Bigelow presented proposed Resolution No. 14-190 and proposed Ordinance No. 14-47 to be considered by the City Council subsequent to the public hearing, and incorporated information into the record as follows:

Proposed Resolution No. 14-190 would adopt an Impact Fees Facilities Plan and Impact Fee Analysis.

Proposed Ordinance No. 14-47 would amend Sections 1-2-202, 1-2-103, 1-2-205 and 1-2-106 of Title 1 of the West Valley City Code regarding drainage, park, road, fire and police impact fees.

Utah Code Annotated, Title 11, Chapter 36A required cities proposing to enact or amend impact fees prepare an impact fee facilities plan and impact fee analysis setting forth the basis for the proposed impact fees. Accordingly, the City retained GSBS Richman Consultants to prepare the documents in consultation with City staff.

The proposed impact fee facilities plan and impact fee analysis established current and proposed levels of service for storm sewer, parks, roads, police, and fire services, as well as the anticipated impacts of development on that level of service. The proposed fees substantiated and set forth by the impact fee facilities plan and impact fee analysis had been provided to members of the City Council. The information included a recommended impact fee schedule specifying facility type, service area, single-family residential, multi-family residential and general commercial/industrial.

Mayor Bigelow opened the public hearing. There being no one to speak either for or against the proposal, Mayor Bigelow closed the public hearing.

Upon discussion, Councilmember Rushton discussed the philosophy of impact fees and indicated those fees were necessary tools in running the municipality. He expressed his conclusion that the study had been conducted in a thorough and responsible manner and appeared to be equitable. He indicated many of the impact fees had gone down, and some substantially, as the City became more built out and taxes imposed on new businesses and developments were slowly absorbed. He stated the City was on a strong financial footing going forward and it was good to have completed the study thus updating the financial path. He also commended City staff that worked on the project.

### ACTION: CONSIDER RESOLUTION NO. 14-190, ADOPTING AN IMPACT FEES FACILITIES PLAN AND IMPACT FEE ANALYSIS

The City Council previously held a public hearing regarding adoption of an Impact Fee Facilities Plan, Impact Fee Analysis.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-190, a Resolution Adopting an Impact Fee Facilities Plan and Impact Fee Analysis. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

ACTION: CONSIDER ORDINANCE NO. 14-47, AMENDING SECTIONS 1-2-202, 1-2-103, 1-2-205 AND 1-2-106 OF TITLE 1 OF THE WEST VALLEY CITY CODE REGARDING DRAINAGE, PARK, ROAD, FIRE AND POLICE IMPACT FEES

The City Council previously held a public hearing regarding proposed Ordinance No. 14-47 that would amend Sections 1-2-202, 1-2-103, 1-2-205 and 1-2-106 of Title 1 of the West Valley City Code regarding drainage, park, road, fire and police impact fees.

After discussion, Councilmember Buhler moved to approve Ordinance No. 14-47, an Ordinance Amending Sections 1-2-202, 1-2-203, 1-2-204, 1-2-205, and 1-2-206 of Title 1 of the West Valley City Code Regarding Drainage, Park, Road, Fire and Police Impact Fees. Councilmember Nordfelt seconded the motion.

#### A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

16839 RESOLUTION NO. 14-191, APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND OTHER PARTICIPATING AGENCIES, INCLUDING SALT LAKE COUNTY, UTAH COUNTY, SANDY CITY, WEST JORDAN CITY, MIDVALE CITY, SOUTH SALT LAKE CITY AND DRAPER CITY FOR UTAH PUBLIC WORKS EMERGENCY MANAGEMENT SERVICES

Mayor Bigelow presented proposed Resolution No. 14-191 that would approve an Interlocal Cooperation Agreement between West Valley City and other participating agencies, including Salt Lake County, Utah County, Sandy City, West Jordan City, Midvale City, South Salt Lake City and Draper City for Utah public works emergency management services.

The proposed agreement would provide a method whereby participating agencies could receive emergency assistance from other participating agencies at the discretion of the responding agency. Responding agencies would be reimbursed from the requesting agency for personnel, equipment, materials and other associated costs made available during an emergency.

The proposal would create a Utah Public Works Emergency Management Alliance of cities, counties and other agencies throughout the State to provide mutual aid during emergencies. The administration of the Alliance was through the Emergency Management Committee of the Utah Chapter of the American Public Works Association.

Agencies included in the agreement to date were: Salt Lake County, Utah County, Sandy City, West Jordan City, Midvale City, South Salt Lake City and Draper City. There would be no down side to joining the alliance as the decision whether to respond to a request for mutual aid would be made by the potential responding agency. No liability would incur should an agency choose not to respond. Responding agencies would be reimbursed for any costs incurred and each participating agency would bear the risk of its own actions.

The advantage to West Valley City would be the ability to request assistance from participating agencies not affected by a local emergency and who had the ability to quickly respond with the proper equipment and trained personnel.

After discussion, Councilmember Nordfelt moved to approve Resolution No. 14-191, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and other Participating Agencies, Including Salt Lake County, Utah County, Sandy City, West Jordan City, Midvale City, South Salt Lake City and Draper City (the "Agencies") for Utah Public Works Emergency Management Services. Councilmember Vincent seconded the motion.

### A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

## 16840 RESOLUTION NO. 14-192, APPROVE AN AGREEMENT WITH AVENUE CONSULTANTS, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR PHASE 2 OF FAIRBOURNE STATION

Mayor Bigelow presented proposed Resolution No. 14-192 that would approve a Professional Services Agreement with Avenue Consultants, Inc., in the amount of \$145,111.30, for professional engineering services for Phase 2 of Fairbourne Station.

The proposed agreement specified terms for providing a traffic analysis and preliminary design services for new Fairbourne Station roadways. The next phase of the Station would include construction of a new road at 3030 West from Lehman Avenue to 3500 South, together with extension of Weigh Station Road to 3030 West, and the reconstruction of Lehman Avenue from Holmberg Street to 3030 West. The project also included installation of a "high-T" signalized intersection at 3500 South and 3030 West. In order to accommodate turn lanes for the new intersection, it was proposed the existing Bus Rapid Transit routes be re-routed through the new Fairbourne Station roadways.

Avenue Consultants had been selected to provide engineering services for roadway and utility improvements for the next phase of Fairbourne Station. Under the agreement, Avenue Consultants would perform all traffic modeling necessary to secure permits from the Utah Department of Transportation (UDOT) and Utah Transit Authority (UTA) for the new signal at 3030 West. Avenue would also provide surveys and other information required to begin the final design. The proposed contract covered cost to complete a 30% design on proposed roadway and utility improvements. Final design would be included in a separate agreement.

After discussion, Councilmember Vincent moved to approve Resolution No. 14-192, a Resolution Approving an Agreement with Avenue Consultants, Inc. for Professional Engineering Services for Phase 2 of Fairbourne Station. Councilmember Nordfelt seconded the motion.

### A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

# 16841 RESOLUTION NO. 14-193, APPROVE AN AGREEMENT WITH HORROCKS ENGINEERS, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE PARKWAY BOULEVARD RECONSTRUCTION PROJECT

Mayor Bigelow presented proposed Resolution No. 14-193 that would approve an Agreement with Horrocks Engineers, Inc., in the amount of \$119,600.00, to provide professional services for the Parkway Boulevard Reconstruction Project.

Parkway Boulevard was a major east-west corridor through the northern half of the City extending from 8000 West to Redwood Road. Roadway improvements on Parkway Boulevard east of 5600 West were largely complete, while the segment between 5600 West and 7200 West still required substantial improvements and capital expenditures.

Horrocks Engineers would be hired to study the roadway corridor on Parkway Boulevard from 5600 West to 7200 West to enable the City to make decisions on future capital improvement projects. The study would include a broad variety of topics including traffic analysis and capacity recommendations, topographical survey, initial utility investigation and drainage planning. Included in the scope of work would be the preparation and execution of a public involvement meeting to understand the public's perspective on potential roadway improvements. Based on findings and recommendations in the study, the Public Works Department would plan future capital improvement projects.

After discussion, Councilmember Rushton moved to approve Resolution No. 14-193, a Resolution Authorizing the City to enter into an Agreement with Horrocks Engineers, Inc. to Provide Professional Services for the Parkway Boulevard Reconstruction Project. Councilmember Huynh seconded the motion.

### A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

### 16842 RESOLUTION NO. 14-194, AUTHORIZE THE PURCHASE OF TASER AXON FLEX BODY CAMERAS FOR USE BY THE POLICE DEPARTMENT

Mayor Bigelow presented proposed Resolution No. 14-194 that would authorize purchase of Taser Axon Flex Body Cameras, in an amount not to exceed \$1,057,464.97, for use by the Police Department.

He stated recent events involving interactions between police officers and members of the public had given rise to a recommendation that jurisdictions equip their law enforcement personnel with body-worn cameras. This would be a continuing effort to improve transparency, protect its members from false and frivolous claims, and increase efficiency.

After extensive field testing of six different camera units obtained from five different vendors, the Police Department determined the following criteria as being essential to pursuing purchase of the new platform:

- Head mounted "It sees what the user sees"
- Eye protection Consistent with current training
- Video buffering
- Real time user verification
- Quality low light recording capability
- High resolution video recording
- Flexible mountain platform
- Integrated RMS interface allowing for seamless and consistent uploading and tagging of videos
- Cloud-based storage
- Ability to recover deleted videos
- Tiered user/administrator access
- Updating and warranty
- Vendor stability

After consideration of the identified needs, one vendor, Taser International, possessed all the desired features in their Axon Flex product. The Police Department was familiar with the Taser Axon Flex product having previously acquired 15 units for field testing and deployment through the Valley Police Alliance.

In consideration of the fact that the Axon Flex Body-cam offered through Taser International was the only system that met all the identified requirements deemed essential for a body-worn camera platform, the Police Department recommended authorization of the purchase of 175 units through Taser International via a sole source purchase agreement.

Additional information included that body-worn cameras could help improve the high quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities had about their police departments. Departments already deploying body-worn cameras had reported the presence of cameras often improved the performance of officers as well as the conduct of the community members being recorded. This was an important advance in policing and when officers or members of the public broke the law or behaved badly, body-worn cameras could create a public record that allowed the entire community to see what really happened.

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014

At the same time, the fact that both the public and police increasingly felt the need to videotape every interaction could be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions. As a profession, policing had come far in developing and strengthening relationships with the communities being served. Body-worn cameras could increase transparency and accountability by preserving an exact record of interactions occurring between the police and the public.

Upon discussion, Councilmember Buhler commented regarding the diligence of the research conducted and the product itself and by this implementation would set the standard for police departments throughout the State of Utah.

Councilmember Buhler moved to approve Resolution No. 14-194, a Resolution Authorizing the Purchase of Taser Axon Flex Body Cameras for use by the Police Department. Councilmember Huynh seconded the motion.

Mayor Bigelow called for discussion on the motion.

Mayor Bigelow pointed out several specific and important issues regarding the proposal. He stated use of cameras would be an extremely useful tool if used appropriately. He emphasized the importance of proper training including appropriate policies and procedures, and the length of time such video information would be kept.

Upon inquiry, the Acting City Manager informed that under routine circumstances video data would be kept for four weeks.

Mayor Bigelow indicated length of time for keeping video data could be important as related to potential claims and therefore specifics needed to be put in place with policies and procedures. He also stated officers sometimes did double shifts making it imperative that policies address such things as batteries. He also discussed possible disciplinary action for failure to turn the units on.

Acting City Manager, Paul Isaac, advised the issues discussed and expressed by the Mayor had been noted. He indicated the Police Chief would direct proper standards, policies and procedures to be written and implemented.

Upon request by the City Council, the Acting City Manager advised a follow-up discussion would be scheduled for the Council to receive updated information regarding policies and procedures as discussed above.

Councilmember Vincent commented that West Valley City was indeed leading the way in this endeavor and the proposed equipment purchase would equip the entire "boots on the ground" personnel to better perform their duties and responsibilities to the citizens of the City.

Councilmember Rushton stated diligence and study regarding the proposal had been conducted and he supported purchase of the camera equipment. He expressed belief that with correct training, placement of equipment in the right hands, and use in the right situations, this would be good for the public and the Police Department. He reiterated previous thoughts that West Valley City was leading the way and admonished other Utah cities to also consider the camera equipment for their communities.

Mayor Bigelow commended the Police Chief, Lee Russo, and the Police Department for their forward thinking. He indicated the proposal had been given much thoughtful evaluation and testing to find the right tool to best serve the City's needs. He stated, however, it would not solve all problems.

Hearing no further discussion, Mayor Bigelow called for a vote on the motion on the floor.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

#### 16843 CONSENT AGENDA

A. RESOLUTION NO. 14-195, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF COREY RUSHTON TO THE HOUSING AUTHORITY COMMISSION, TERM: DECEMBER 10, 2014 – DECEMBER 31, 2019

Mayor Bigelow presented proposed Resolution No. 14-195 that would ratify the City Manager's reappointment of Corey Rushton to the Housing Authority Commission for the term December 10, 2014 through December 31, 2019.

B. RESOLUTION NO. 14-196, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE VINCENT TO THE HOUSING AUTHORITY COMMISSION, TERM: DECEMBER 2, 2014 – DECEMBER 31, 2019

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014 -11-

Mayor Bigelow presented proposed Resolution No. 14-196 that would ratify the City Manager's reappointment of Steve Vincent to the Housing Authority Commission for the term December 2, 2014 through December 31, 2019.

C. RESOLUTION NO. 14-197, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF STEVE BUHLER TO THE HOUSING AUTHORITY COMMISSION, TERM: JANUARY 4, 2015 – DECEMBER 31, 2019

Mayor Bigelow presented proposed Resolution No. 14-197 that would ratify the City Manager's reappointment of Steve Buhler to the Housing Authority Commission for the term January 4, 2015 through December 31, 2019.

D. RESOLUTION NO. 14-198, RATIFY THE CITY MANAGER'S APPOINTMENT OR REAPPOINTMENT OF MEMBERS, AND AN EXECUTIVE DIRECTOR OF THE CITY CULTURAL ARTS BOARD (CAB) EXECUTIVE BOARD

Mayor Bigelow presented proposed Resolution No. 14-198 that would ratify the City Manager's appointment or reappointment of members and an Executive Director of the Cultural Arts Board (CAB) Executive Board.

Terms of the appointees were as outlined in documentation provided to the Council and attached to the proposed Resolution, and included the following:

Ross Olsen, Member/Executive Director Paul Isaac, Member Natalie Grange, Member Don Christensen, Member Julie Delong, Member Susan Klinker, Member Steve Vincent, Member D'An Wadsworth, Member Debbie Brown, Member

E. RESOLUTION NO. 14-199, RATIFY THE CITY MANAGER'S APPOINTMENT OR REAPPOINTMENT OF MEMBERS AND A CHAIR OF THE UTAH CULTURAL CELEBRATION CENTER (UCCC) ADVISORY BOARD

Mayor Bigelow presented proposed Resolution No. 14-199 that would ratify the City Manager's appointment or reappointment of members, and a chair, of the Utah Cultural Celebration Center (UCCC) Advisory Board.

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014 -12-

Terms of the appointees were as outlined in documentation provided to the Council and attached to the proposed Resolution, and included the following:

Susan Klinker, Member/Chair Ernesto "Kiko" Cornejo, Member Dru and Leslie Drury, Member Carol Edison, Member Margaret Peterson, Member Paul Ross, Member Anna Cutler, Member

### F. RESOLUTION NO. 14-200, RATIFY THE CITY MANAGER'S APPOINTMENT OR REAPPOINTMENT OF MEMBERS AND A CHAIR OF THE ARTS COUNCIL

Mayor Bigelow presented proposed Resolution No. 14-200 that would ratify the City Manager's appointment or reappointment of members and a chair of the Arts Council.

Terms of the appointees were as outlined in documentation provided to the Council and attached to the proposed Resolution, and included the following:

Debbie Brown, Member/Chair Sara Staheli, Member Carla Smith, Member Ryan Heiner, Member RoseMaree Sazesh, Member Jeanne Marse, Member Steve Vincent, Member Katherine St. John, Member Bonnie Brezette, Member Leslie Biebau, Member Randy Thomas, Member Dana Combs, Member

## G. RESOLUTION NO. 14-201, RATIFY THE CITY MANAGER'S APPOINTMENT OR REAPPOINTMENT OF MEMBERS AND A CHAIR OF THE HISTORICAL SOCIETY

Mayor Bigelow presented proposed Resolution No. 14-201 that would ratify the City Manager's appointment or reappointment of members and a chair of the Historical Society.

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014 -13-

Terms of the appointees were as outlined in documentation provided to the Council and attached to the proposed Resolution, and included the following:

D'An Wadsworth, Member/Chair Harlan Bangerter, Member Bill Barton, Member Pat Rushton, Member Nicci Wadsworth, Member Blake Dalton, Member Mike Winder, Member Lars Nordfelt, Member Kent Buckner, Member Ron Watt, Member Kevin Fayles, Member

## H. RESOLUTION NO. 14-202, RATIFY THE CITY MANAGER'S APPOINTMENT OR REAPPOINTMENT OF MEMBERS AND A CHAIR OF THE SISTER CITY COMMITTEE

Mayor Bigelow presented proposed Resolution No. 14-202 that would ratify the City Manager's appointment or reappointment of members and a chair of the Sister City Committee.

Terms of the appointees were as outlined in documentation provided to the Council and attached to the proposed Resolution, and included the following:

Don Christensen, Member/Chair Ling Ling Chen, Member Kevin Conde', Member Cathy Jenn, Member Wendy Jyang, Member Lila Wright, Member Abby Monroy, Member Brian Baity, Member Miguel Tobar, Member Thao Huynh, Member

I. RESOLUTION NO. 14-203, AUTHORIZE THE EXECUTION AND RECORDING OF A DELAY AGREEMENT WITH MICHAEL DAHLE FOR PROPERTY LOCATED AT 2632 WEST 3500 SOUTH Mayor Bigelow presented proposed Resolution No. 14-203 that would authorize the execution and recording of a Delay Agreement with Michael Dahle for property located at 2632 West 3500 South.

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014 -14-

The proposed agreement would delay installation of the required landscaping along 3500 South at 2632 West.

On October 21, 2014, the Mattress Firm submitted a building permit for a tenant improvement within one of the tenant spaces owned by Mr. Dahle. The estimated construction costs for this project totaled approximately \$125,000. The property had frontage along 3500 South that was listed as one of the City's major arterials. These frontages had specific landscaping requirements set forth in Chapter 7-13-200 of the West Valley City Municipal Code. These requirements took effect when any substantial modification to an existing site or structure in which the estimated construction cost exceeded \$50,000. These standards required a 15-foot berm landscaped area, a 10-foot sidewalk, and a 5-foot buffer of landscaping to the construction between the back of curb and the project site.

This site was just one tenant located in the middle of a multi-tenant project and was one of three parcels owned by Mr. Dahle. The landscaping on the site had recently been upgraded and there was quite a bit of grade change from the back of curb to the project site. Therefore, it would be difficult to develop just this small portion of the streetscape. The Mattress Firm desired to delay installation of any streetscape improvements until one of the adjacent properties also triggered the requirement, which at that time the entire frontage would be completed.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 14-195, 14-196, 14-197, 14-198, 14-199, 14-200, 14-201, 14-202, and 14-203 as listed on the Consent Agenda. Councilmember Vincent seconded the motion.

#### A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

#### Unanimous.

Upon adjournment, it was noted the Mayor and some Council members and spouses would have the opportunity to socialize and have dinner.

### MINUTES OF COUNCIL REGULAR MEETING – DECEMBER 16, 2014 -15-

BUSINESS OF THE WEST VALLEY CITY NG OF TUESDAY, DECEMBER 16, 2014, WAS YOR BIGELOW.
 to be a true, accurate and complete record of the of the West Valley City Council held Tuesday
Sheri McKendrick, MMC
City Recorder